

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 50-52 are added, claim 48 is amended, and no claims are canceled (claims 1-22, 24-25, 33, 35-36 and 45 were previously canceled). As a result, claims 23, 26-32, 34, 37-44 and 46-52 are now pending in the application.

In the non-final Office Action of April 23, 2007, claims 47-48 are objected to for minor informalities. Claims 23-32, 34, 41 and 47-49 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,063,289 (Jasinski) further in view of U.S. Patent 5,376,970 (Amano). Claim 39 is rejected under §103 in view of Jasinski further in view of Amano and yet further in view of allegedly admitted prior art. Claims 26, 37 and 42 are rejected under §103(a) in view of Jasinski further in view of Amano and yet further in view of U.S. Patent 6,188,387 (Hall). Claims 27-31, 38, 40, 43-44 and 46 are rejected under §103(a) in view of Jasinski further in view of Amano and yet further in view of U.S. Patent 5,900,867 (Schindler).

Claim Objections

Claim 48 is amended by this paper to attend to the claim objection. Withdrawal of the rejection is respectfully requested.

35 U.S.C. §103 Rejections

The §103 rejections in view of the various hypothetical combinations are respectfully traversed for at least the following reasons.

The present Gateway invention involves a computer pointing device—e.g., a mouse—which has a control such as a mouse button for controlling a multimedia device. In this way a user manipulating the mouse can conveniently raise or lower the volume of speakers connected to the computer, or otherwise adjust a multimedia device, without scrambling to find the volume control.

The Office Action relies upon the Jasinski patent for its description of a mouse, acknowledging that Jasinski does not teach a multimedia control device. The Office Action then cites the Amano patent as an example of a device configured to communicate with and control a multimedia device. However, the Jasinski / Amano hypothetical combination fails to teach all elements of the claimed invention. This hypothetical combination does not teach or suggest “a connection that transmits signals generated by the mouse button, the cursor control device and the multimedia control device to the computer,” as recited in claims 1 and 41. The Jasinski patent does not teach this feature, since, as acknowledged in the Office Action, Jasinski fails to teach a multimedia control device.

The secondarily cited Amano patent does not teach this feature either. In the Amano system a remote control unit 34 is used to control a television receiver, taking the place of the television receiver’s direct control keys 31 located on its front panel. Amano’s remote control unit 34 communicates directly with the photodiode 32r of tuner 20 (multimedia device), not with a computer which, in turn, controls the multimedia device. This can clearly be seen in Figures 3(B).¹ Hence, the Amano patent does not teach the aforementioned feature of claims 1 and 41, a connection that transmits signals generated by the mouse button, the cursor control device and

¹ Amano, column 2, lines 42-63 (Note: The microcomputer 30 is part of the television receiver, the multimedia device being controlled in Amano. It is not a computer with a mouse.)

the multimedia control device to the computer,” which the Office Action acknowledges is not taught by the Jasinski patent. The hypothetical Jasinski / Amano combination also does not disclose or suggest “a control for controlling a function of the multimedia device such that actuation of the control causes the computer to directly control the function of the multimedia device” as recited in claim 34 or the aforementioned feature of claims 1 and 41.

The third and fourth cited documents to Hall and Schindler do not overcome the deficiencies of the hypothetical Jasinski / Amano combination.

Accordingly, it is respectfully submitted that the Jasinski, Amano, Hall and Schindler, either taken singly or in hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejections is requested.

Newly Added Claims

The newly added claims recite the connection being a first connection and the computer transmitting signals via a second connection to the multimedia device. The newly added claims also recite the computer comprising a screen configured to display a cursor controlled by said cursor control device. Support for these claims can be found in various parts of the disclosure, for example, Figures 2-3 and pages 13-14. The various hypothetical combinations do not teach or suggest these features. For example, the Jasinski patent fails to disclose a multimedia control device. In the secondarily cited Amano patent the large screen 11p of Figures 2-6 is part of the television receiver. The large screen 11p of Amano is driven by the tuner 20 characterized in the Office Action as a multimedia device, so it is not part of the computer that controls the multimedia device.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that the Fee Transmittal attends to the required claim fees, and not petition of time is needed for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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